

**Annual Administrative Code Supplement**  
**2001 Edition**

**DEPARTMENT OF COMMUNITY HEALTH**  
**OFFICE OF THE DIRECTOR**  
**DELAYED REGISTRATION OF BIRTHS**

**R 326.1**  
**Source:** 1997 AACS.

**R 326.2**  
**Source:** 1997 AACS.

**R 326.3**  
**Source:** 1997 AACS.

**R 326.4**  
**Source:** 1997 AACS.

**R 326.5**  
**Source:** 1997 AACS.

**DISTRICT AND COUNTY HEALTH DEPARTMENTS**

**PART 1. SERVICES**

**R 327.1**  
**Source:** 1997 AACS.

**R 327.2**  
**Source:** 1997 AACS.

**R 327.3**  
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**R 327.4**  
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**R 327.9**  
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**R 327.10**  
**Source:** 1997 AACS.

**PART 2. PERSONNEL CLASSIFICATION AND QUALIFICATIONS**

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**R 327.47**

**Source:** 1997 AACS.

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**GENERAL RULES**

**R 330.20**

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**R 330.21**

**Source:** 1997 AACS.

**R 330.30**

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**R 330.31**

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**R 330.47**  
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**R 330.48**  
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**Source:** 1997 AACS.

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**R 330.109**

**Source:** 1997 AACS.

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**R 330.115**

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**R 330.116**

**Source:** 1997 AACS.

**R 330.117**

**Source:** 1997 AACS.

**HEALTH LEGISLATION AND POLICY DEVELOPMENT**  
**GENERAL RULES**

**PART 1. DEPARTMENT OF MENTAL HEALTH**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.1001**

**Source:** 1998-2000 AACS.

**R 330.1005**

**Source:** 1983 AACS.

**R 330.1010**

**Source:** 1997 AACS.

**R 330.1017**

**Source:** 1981 AACS.

**R 330.1019**

**Source:** 1983 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH CENTERS**

**R 330.1025**

**Source:** 1981 AACS.

**SUBPART 3. MENTAL RETARDATION FACILITIES**

**R 330.1075**

**Source:** 1997 AACS.

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**SUBPART 4. LICENSING AND REGULATION OF MENTAL HEALTH HOSPITALS,  
PSYCHIATRIC FACILITIES, AND PSYCHIATRIC UNITS**

**R 330.1201**

**Source:** 1988 AACS.

**R 330.1210**

**Source:** 1984 AACS.

**R 330.1214**

**Source:** 1990 AACS.

**R 330.1239**

**Source:** 1990 AACS.

**R 330.1243**

**Source:** 1990 AACS.

**R 330.1255**

**Source:** 1986 AACS.

**R 330.1265**

**Source:** 1981 AACS.

**R 330.1269**

**Source:** 1983 AACS.

**R 330.1275**

**Source:** 1990 AACS.

**R 330.1276**

**Source:** 1988 AACS.

**R 330.1281**

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**R 330.1285**

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**R 330.1287**

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**R 330.1289**

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**R 330.1291**

**Source:** 1986 AACS.

**SUBPART 5. FOSTER CARE CONTRACT REVOCATION**

**R 330.1401**

**Source:** 1997 AACS.

**SUBPART 6. FAMILY SUPPORT SUBSIDY PROGRAM**

**R 330.1601**

**Source:** 1984 AACS.

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**R 330.1606**

**Source:** 1984 AACS.

**R 330.1607**

**Source:** 1990 AACS.

**R 330.1611**

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**R 330.1613**

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**R 330.1616**

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**R 330.1621**

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**R 330.1646**

**Source:** 1984 AACS.

**R 330.1651**

**Source:** 1984 AACS.

**R 330.1656**

**Source:** 1990 AACS.

**SUBPART 7. PLACEMENT OF ADULTS WHO HAVE A MENTAL ILLNESS OR A  
DEVELOPMENTAL DISABILITY INTO COMMUNITY-BASED DEPENDENT LIVING SETTINGS**

**R 330.1701**

**Source:** 1996 AACS.

**R 330.1702**

**Source:** 1996 AACS.

**R 330.1703**

**Source:** 1996 AACS.

**R 330.1704**

**Source:** 1996 AACS.

**SUBPART 8. CERTIFICATION OF SPECIALIZED PROGRAMS OFFERED IN ADULT FOSTER**

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**CARE HOME TO CLIENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY**

**R 330.1801**

**Source:** 1996 AACS.

**R 330.1802**

**Source:** 1996 AACS.

**R 330.1803**

**Source:** 1996 AACS.

**R 330.1804**

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**R 330.1805**

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**R 330.1807**

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**R 330.1808**

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**R 330.1809**

**Source:** 1996 AACS.

**PART 2. COUNTY COMMUNITY MENTAL HEALTH SERVICES PROGRAMS**

**SUBPART 1. COMMUNITY MENTAL HEALTH SERVICES**

**R 330.2005**

**Source:** 1986 AACS.

**R 330.2006**

**Source:** 1983 AACS.

**R 330.2007**

**Source:** 1986 AACS.

**R 330.2012**

**Source:** 1981 AACS.

**R 330.2013**

**Source:** 1984 AACS.

**R 330.2014**

**Source:** 1986 AACS.

**R 330.2022**

**Source:** 1986 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH BOARD REPORTS**

**R 330.2038**

**Source:** 1986 AACS.



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**R 330.2039**

**Source:** 1986 AACS.

**SUBPART 4. COMMUNITY MENTAL HEALTH BOARD**

**R 330.2067**

**Source:** 1986 AACS.

**R 330.2071**

**Source:** 1986 AACS.

**SUBPART 5. COMMUNITY MENTAL HEALTH DIRECTOR**

**R 330.2081**

**Source:** 1990 AACS.

**SUBPART 6. CHILDREN'S DIAGNOSTIC AND TREATMENT SERVICE**

**R 330.2105**

**Source:** 1990 AACS.

**R 330.2110**

**Source:** 1990 AACS.

**R 330.2115**

**Source:** 1990 AACS.

**R 330.2120**

**Source:** 1990 AACS.

**R 330.2125**

**Source:** 1990 AACS.

**R 330.2130**

**Source:** 1990 AACS.

**R 330.2135**

**Source:** 1997 AACS.

**SUBPART 7. CERTIFICATION PROCESS**

**R 330.2701**

**Source:** 1997 AACS.

**R 330.2702**

**Source:** 1997 AACS.

**R 330.2703**

**Source:** 1997 AACS.

**SUBPART 8. CERTIFICATION STANDARDS**

**R 330.2801**

**Source:** 1997 AACS.

**R 330.2802**

**Source:** 1997 AACS.

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**R 330.2803**

**Source:** 1997 AACS.

**R 330.2804**

**Source:** 1997 AACS.

**R 330.2805**

**Source:** 1997 AACS.

**R 330.2806**

**Source:** 1997 AACS.

**R 330.2807**

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**R 330.2812**

**Source:** 1997 AACS.

**R 330.2813**

**Source:** 1997 AACS.

**R 330.2814**

**Source:** 1997 AACS.

**PART 3. STATE AND COUNTY FINANCIAL RESPONSIBILITY**

**R 330.3010**

**Source:** 1997 AACS.

**R 330.3017**

**Source:** 1986 AACS.

**PART 4. ADMINISTRATIVE ACTION FOR MENTALLY ILL PERSONS REQUIRING TREATMENT  
AND THOSE DEEMED CLINICALLY SUITABLE FOR HOSPITALIZATION**

**SUBPART 1. DESIGNATED HOSPITALS**

**R 330.4005**

**Source:** 1997 AACS.

**R 330.4008**

**Source:** 1997 AACS.

**SUBPART 2. TRANSFER REQUIREMENTS**

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**R 330.4011**

**Source:** 1986 AACS.

**R 330.4013**

**Source:** 1986 AACS.

**R 330.4015**

**Source:** 1997 AACS.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.4025**

**Source:** 1997 AACS.

**R 330.4028**

**Source:** 1997 AACS.

**R 330.4033**

**Source:** 1997 AACS.

**R 330.4035**

**Source:** 1997 AACS.

**R 330.4039**

**Source:** 1981 AACS.

**R 330.4043**

**Source:** 1997 AACS.

**R 330.4045**

**Source:** 1986 AACS.

**R 330.4047**

**Source:** 1986 AACS.

**R 330.4049**

**Source:** 1986 AACS.

**R 330.4059**

**Source:** 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.4065**

**Source:** 1997 AACS.

**R 330.4067**

**Source:** 1997 AACS.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.4075**

**Source:** 1997 AACS.

**R 330.4077**

**Source:** 1990 AACS.

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**R 330.4081**

**Source:** 1997 AACS.

**R 330.4083**

**Source:** 1990 AACS.

**R 330.4086**

**Source:** 1997 AACS.

**R 330.4091**

**Source:** 1997 AACS.

**R 330.4093**

**Source:** 1997 AACS.

**R 330.4095**

**Source:** 1997 AACS.

**PART 4A. CIVIL ADMISSION AND DISCHARGE PROCEDURES FOR EMOTIONALLY  
DISTURBED MINORS**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.4501**

**Source:** 1990 AACS.

**R 330.4510**

**Source:** 1997 AACS.

**R 330.4512**

**Source:** 1997 AACS.

**R 330.4515**

**Source:** 1997 AACS.

**SUBPART 2. ADMISSIONS**

**R 330.4601**

**Source:** 1997 AACS.

**R 330.4603**

**Source:** 1990 AACS.

**R 330.4606**

**Source:** 1997 AACS.

**R 330.4611**

**Source:** 1990 AACS.

**SUBPART 3. PERIODIC REVIEW**

**R 330.4616**

**Source:** 1997 AACS.

**SUBPART 4. CHANGE IN STATUS OF HOSPITALIZATION**

**R 330.4620**

**Source:** 1990 AACS.

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**R 330.4621**  
**Source:** 1997 AACS.

**R 330.4626**  
**Source:** 1990 AACS.

**R 330.4631**  
**Source:** 1990 AACS.

**R 330.4636**  
**Source:** 1990 AACS.

**R 330.4641**  
**Source:** 1990 AACS.

**R 330.4646**  
**Source:** 1990 AACS.

**SUBPART 5. OBJECTION TO HOSPITALIZATION PROCESS**

**R 330.4651**  
**Source:** 1990 AACS.

**R 330.4656**  
**Source:** 1990 AACS.

**R 330.4661**  
**Source:** 1990 AACS.

**PART 5. ADMINISTRATIVE ACTION FOR DEVELOPMENTALLY DISABLED PERSONS  
REQUIRING CARE AND TREATMENT**

**SUBPART 1. DESIGNATED RESIDENTIAL FACILITIES**

**R 330.5005**  
**Source:** 1986 AACS.

**R 330.5008**  
**Source:** 1997 AACS.

**SUBPART 2. TRANSFER REQUIREMENTS**

**R 330.5011**  
**Source:** 1997 AACS.

**R 330.5013**  
**Source:** 1997 AACS.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.5025**  
**Source:** 1997 AACS.

**R 330.5028**  
**Source:** 1997 AACS.

**R 330.5031**

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**Source:** 1981 AACS.

**R 330.5033**

**Source:** 1983 AACS.

**R 330.5045**

**Source:** 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.5065**

**Source:** 1997 AACS.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.5075**

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**R 330.5086**

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**R 330.5095**

**Source:** 1997 AACS.

**PART 6. GUARDIANSHIP FOR RECIPIENTS OF MENTAL  
HEALTH SERVICES**

**R 330.6013**

**Source:** 1981 AACS.

**R 330.6031**

**Source:** 1986 AACS.

**PART 7. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.7001**

**Source:** 1998-2000 AACS.

**R 330.7002**

**Source:** 1998-2000 AACS.

**R 330.7003**

**Source:** 1998-2000 AACS.

**R 330.7005**

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**Source:** 1998-2000 AACS.

**SUBPART 2. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

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**Source:** 1998-2000 AACS.

**R 330.7011**

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**R 330.7051**

**Source:** 1998-2000 AACS.

**SUBPART 3. ADDITIONAL RIGHTS OF RESIDENTS OF FACILITIES**

**R 330.7125**

**Source:** 1998-2000 AACS.

**R 330.7131**

**Source:** 1997 AACS.

**R 330.7135**

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**R 330.7139**

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**Source:** 1998-2000 AACS.

**R 330.7145**

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**R 330.7151**

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**R 330.7231**

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**R 330.7243**

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**R 330.7253**

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**R 330.7254**

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**R 330.7260**

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**PART 8. FINANCIAL LIABILITY FOR MENTAL HEALTH SERVICES**

**R 330.8005**

**Source:** 1997 AACS.

**R 330.8008**

**Source:** 1997 AACS.

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**R 330.8024**

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**SUBPART 2. COMMUNITY MENTAL HEALTH**

**R 330.8201**

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**R 330.8209**  
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**R 330.8251**  
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**R 330.8280**  
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**R 330.8284**  
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**PART 9. MISCELLANEOUS PROVISIONS**

**SUBPART 1. LAFAYETTE CLINIC**

**R 330.9001**  
**Source:** 1997 AACS.

**R 330.9005**  
**Source:** 1997 AACS.

**R 330.9007**  
**Source:** 1997 AACS.

**R 330.9009**  
**Source:** 1997 AACS.

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**Source:** 1997 AACS.

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**SUBPART 2. NEURO-PSYCHIATRIC INSTITUTE**

**R 330.9121**

**Source:** 1997 AACs.

**R 330.9123**

**Source:** 1997 AACs.

**R 330.9125**

**Source:** 1997 AACs.

**SUBPART 3. ADMINISTRATIVE PROCEDURE**

**R 330.9201**

**Source:** 1997 AACs.

**R 330.9205**

**Source:** 1997 AACs.

**R 330.9208**

**Source:** 1997 AACs.

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**R 330.9220**

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**R 330.9222**

**Source:** 1997 AACs.

**R 330.9225**

**Source:** 1997 AACs.

**SUBPART 4. IMPACT STATEMENTS**

**R 330.9301**

**Source:** 1986 AACs.

**R 330.9306**

**Source:** 1986 AACs.

**SUBPART 5. CONDUCT ON DEPARTMENT PROPERTY**

**R 330.9401**

**Source:** 1988 AACs.

**R 330.9406**

**Source:** 1988 AACs.

**R 330.9411**

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**R 330.9416**

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**Source:** 1988 AACS.

**R 330.9421**

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**R 330.9426**

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**Source:** 1988 AACS.

**PART 10. CRIMINAL PROVISIONS**

**SUBPART 1. TRANSFER OF PRISONERS**

**R 330.10001**

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**R 330.10002**

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**R 330.10003**

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**Source:** 1981 AACS.

**R 330.10014**

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**Source:** 1981 AACS.

**R 330.10015**

**Source:** 1997 AACS.

**R 330.10016**

**Source:** 1997 AACS.

**R 330.10017**

**Source:** 1997 AACS.

**R 330.10018**

**Source:** 1997 AACS.

**R 330.10019**

**Source:** 1997 AACS.

**R 330.10020**

**Source:** 1997 AACS.

**R 330.10021**

**Source:** 1997 AACS.

**R 330.10022**

**Source:** 1997 AACS.

**R 330.10023**

**Source:** 1997 AACS.

**R 330.10024**

**Source:** 1997 AACS.

**R 330.10025**

**Source:** 1997 AACS.

**R 330.10026**

**Source:** 1997 AACS.

**R 330.10027**

**Source:** 1997 AACS.

**R 330.10028**

**Source:** 1997 AACS.

**R 330.10029**

**Source:** 1997 AACS.

**SUBPART 2. FORENSIC EXAMINATIONS**

**R 330.10055**

**Source:** 1988 AACS.

**R 330.10056**

**Source:** 1988 AACS.

**R 330.10057**

**Source:** 1988 AACS.

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**R 330.10058**  
**Source:** 1988 AACS.

**R 330.10059**  
**Source:** 1988 AACS.

**DEPARTMENT OF COMMUNITY HEALTH  
HEALTH LEGISLATION AND POLICY DEVELOPMENT**

**GENERAL RULES**

**PART 11. ENFORCEMENT SYSTEM FOR LONG-TERM CARE FACILITIES**

**R 330.11001**  
**Source:** 1998-2000 AACS.

**R 330.11002**  
**Source:** 1998-2000 AACS.

**R 330.11003**  
**Source:** 1998-2000 AACS.

**R 330.11004**  
**Source:** 1998-2000 AACS.

**R 330.11005**  
**Source:** 1998-2000 AACS.

**R 330.11006**  
**Source:** 1998-2000 AACS.

**R 330.11007**  
**Source:** 1998-2000 AACS.

**R 330.11008**  
**Source:** 1998-2000 AACS.

**R 330.11009**  
**Source:** 1998-2000 AACS.

**R 330.11010**  
**Source:** 1998-2000 AACS.

**R 330.11011**  
**Source:** 1998-2000 AACS.

**R 330.11012**  
**Source:** 1998-2000 AACS.

**R 330.11013**  
**Source:** 1998-2000 AACS.

**R 330.11014**

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**Source:** 1998-2000 AACS.

**R 330.11015**

**Source:** 1998-2000 AACS.

**R 330.11016**

**Source:** 1998-2000 AACS.

**R 330.11017**

**Source:** 1998-2000 AACS.

**DEPARTMENT OF TREASURY  
STATE HOSPITAL FINANCE AUTHORITY  
GENERAL RULES**

**R 331.1**

**Source:** 1997 AACS.

**R 331.2**

**Source:** 1997 AACS.

**R 331.3**

**Source:** 1997 AACS.

**R 331.4**

**Source:** 1997 AACS.

**R 331.5**

**Source:** 1997 AACS.

**R 331.6**

**Source:** 1997 AACS.

**R 331.7**

**Source:** 1997 AACS.

**R 331.8**

**Source:** 1997 AACS.

**R 331.9**

**Source:** 1997 AACS.

**R 331.10**

**Source:** 1997 AACS.

**R 331.11**

**Source:** 1997 AACS.

**R 331.12**

**Source:** 1997 AACS.

**R 331.13**

**Source:** 1997 AACS.

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**AIR QUALITY DIVISION**  
**GENERAL RULES**

**PART 1. DEFINITIONS**

**R 336.11**  
**Source:** 1997 AACs.

**R 336.12**  
**Source:** 1997 AACs.

**R 336.13**  
**Source:** 1997 AACs.

**R 336.14**  
**Source:** 1997 AACs.

**PART 2. AIR USE APPROVAL**

**R 336.21**  
**Source:** 1997 AACs.

**R 336.26**  
**Source:** 1997 AACs.

**R 336.28**  
**Source:** 1997 AACs.

**R 336.29**  
**Source:** 1997 AACs.

**R 336.30**  
**Source:** 1997 AACs.

**R 336.31**  
**Source:** 1997 AACs.

**R 336.32**  
**Source:** 1997 AACs.

**R 336.33**  
**Source:** 1997 AACs.

**R 336.34**  
**Source:** 1997 AACs.

**R 336.35**  
**Source:** 1997 AACs.

**R 336.36**  
**Source:** 1997 AACs.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS**

**R 336.41—R 336.49**  
**Source:** 1997 AACs.

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**R 336.42**  
**Source:** 1997 AACS.

**R 336.43**  
**Source:** 1997 AACS.

**R 336.44**  
**Source:** 1997 AACS.

**R 336.45**  
**Source:** 1997 AACS.

**R 336.46**  
**Source:** 1997 AACS.

**R 336.47**  
**Source:** 1997 AACS.

**R 336.48**  
**Source:** 1997 AACS.

**R 336.49**  
**Source:** 1997 AACS.

**PART 4. TESTING AND SAMPLING**

**R 336.51**  
**Source:** 1997 AACS.

**R 336.52**  
**Source:** 1997 AACS.

**R 336.53**  
**Source:** 1997 AACS.

**R 336.54**  
**Source:** 1997 AACS.

**PART 5. AIR CLEANING DEVICES AND COLLECTED CONTAMINANTS**

**R 336.61**  
**Source:** 1997 AACS.

**R 336.62**  
**Source:** 1997 AACS.

**PART 6. AIR POLLUTION EPISODES**

**R 336.71**  
**Source:** 1997 AACS.

**R 336.72**  
**Source:** 1997 AACS.

**R 336.73**  
**Source:** 1997 AACS.

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**R 336.74**

**Source:** 1997 AACS.

**R 336.75**

**Source:** 1997 AACS.

**R 336.76**

**Source:** 1997 AACS.

**R 336.77**

**Source:** 1997 AACS.

**R 336.78**

**Source:** 1997 AACS.

**R 336.79**

**Source:** 1997 AACS.

**PART 7. ANNUAL REPORTING AND SURVEILLANCE FEES**

**R 336.81**

**Source:** 1997 AACS.

**R 336.82**

**Source:** 1997 AACS.

**R 336.83**

**Source:** 1997 AACS.

**PART 8. SUSPENSION OF ENFORCEMENT**

**R 336.91**

**Source:** 1997 AACS.

**R 336.92**

**Source:** 1997 AACS.

**R 336.93**

**Source:** 1997 AACS.

**R 336.94**

**Source:** 1997 AACS.

**R 336.95**

**Source:** 1997 AACS.

**R 336.96**

**Source:** 1997 AACS.

**R 336.97**

**Source:** 1997 AACS.

**PART 10. ORGANIZATION, OPERATIONS, AND PROCEDURES**

**R 336.101**

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**Source:** 1997 AACS.

**R 336.102**

**Source:** 1997 AACS.

**R 336.103**

**Source:** 1997 AACS.

**R 336.104**

**Source:** 1997 AACS.

**R 336.105**

**Source:** 1997 AACS.

**R 336.106**

**Source:** 1997 AACS.

**R 336.107**

**Source:** 1997 AACS.

**R 336.108**

**Source:** 1997 AACS.

**PART 11. HEARINGS**

**R 336.111**

**Source:** 1997 AACS.

**R 336.112**

**Source:** 1997 AACS.

**R 336.113**

**Source:** 1997 AACS.

**R 336.114**

**Source:** 1997 AACS.

**R 336.115**

**Source:** 1997 AACS.

**R 336.116**

**Source:** 1997 AACS.

**PART 14. EXTENSION OF COMPLIANCE DATE PAST JANUARY 1, 1980**

**R 336.141**

**Source:** 1997 AACS.

**R 336.142**

**Source:** 1997 AACS.

**R 336.143**

**Source:** 1997 AACS.

**R 336.144**

**Source:** 1997 AACS.

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**R 336.145**  
**Source:** 1997 AACS.

**R 336.146**  
**Source:** 1997 AACS.

**R 336.147**  
**Source:** 1997 AACS.

**AIR QUALITY DIVISION  
ANNUAL REPORTING**

**R 336.201**  
**Source:** 1980 AACS.

**R 336.202**  
**Source:** 1986 AACS.

**R 336.203**  
**Source:** 1997 AACS.

**R 336.204**  
**Source:** 1987 AACS.

**R 336.205**  
**Source:** 1980 AACS.

**DEPARTMENT OF ENVIROMENTAL QUALITY  
AIR QUALITY DIVISION**

**DISBURSEMENT OF AIR POLLUTION SURVEILLANCE FEES TO LOCAL UNITS**

**R 336.501**  
**Source:** 1998-2000 AACS.

**R 336.502**  
**Source:** 1998-2000 AACS.

**R 336.503**  
**Source:** 1998-2000 AACS.

**R 336.504**  
**Source:** 1998-2000 AACS.

**R 336.505**  
**Source:** 1998-2000 AACS.

**R 336.506**  
**Source:** 1998-2000 AACS.

**R 336.507**  
**Source:** 1998-2000 AACS.

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**R 336.508**

**Source:** 1998-2000 AACS.

**MOTOR VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM**

**R 336.601**

**Source:** 1997 AACS.

**R 336.602**

**Source:** 1997 AACS.

**R 336.603**

**Source:** 1997 AACS.

**AIR POLLUTION CONTROL**

**PART 1. GENERAL PROVISIONS**

**R 336.1101.**

**Source:** 1998-2000 AACS.

**R 336.1102**

**Source:** 1992 AACS.

**R 336.1103**

**Source:** 1995 AACS.

**R 336.1104**

**Source:** 1998-2000 AACS.

**R 336.1105**

**Source:** 1994 AACS.

**R 336.1106**

**Source:** 1992 AACS.

**R 336.1107**

**Source:** 1989 AACS.

**R 336.1108**

**Source:** 1989 AACS.

**R 336.1109**

**Source:** 1998-2000 AACS.

**R 336.1112**

**Source:** 1992 AACS.

**R 336.1113**

**Source:** 1995 AACS.

**R 336.1114**

**Source:** 1993 AACS.

**R 336.1115**

**Source:** 1992 AACS.

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**R 336.1116**

**Source:** 1996 AACS.

**R 336.1118**

**Source:** 1997 AACS.

**R 336.1119**

**Source:** 1998-2000 AACS.

**R 336.1120**

**Source:** 1998-2000 AACS.

**R 336.1121**

**Source:** 1989 AACS.

**R 336.1122**

**Source:** 1998-2000 AACS.

**R 336.1123**

**Source:** 1995 AACS.

**R 336.1127**

**Source:** 1980 AACS.

**R 336.1128**

**Source:** 1980 AACS.

**PART 2. AIR USE APPROVAL**

**R 336.1201**

**Source:** 1996 AACS.

**R 336.1201a**

**Source:** 1996 AACS.

**R 336.1202**

**Source:** 1980 AACS.

**R 336.1203**

**Source:** 1980 AACS.

**R 336.1204**

**Source:** 1980 AACS.

**R 336.1205**

**Source:** 1998-2000 AACS.

**R 336.1206**

**Source:** 1980 AACS.

**R 336.1207**

**Source:** 1980 AACS.

**R 336.1208**

**Source:** 1997 AACS.

**R 336.1208a**

**Source:** 1996 AACS.

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**R 336.1209**

**Source:** 1995 AACs.

**R 336.1210 Renewable operating permits.**

Rule 210. (1) A person shall not operate any emission units located at a stationary source required to obtain a renewable operating permit under R 336.1211, except in compliance with all applicable terms and conditions of a renewable operating permit, unless a timely and administratively complete application for a renewable operating permit has been received by the department in accordance with the following provisions of this rule. The ability to operate the emission units at a stationary source while a timely and administratively complete application is being reviewed and acted upon by the department shall be referred to as the "application shield." The application shield provided by this subrule shall not apply if an application submittal is not timely under the applicable provision of subrules (4) to (7) of this rule or administratively complete under subrule (2) of this rule or an additional information submittal is not timely or complete under subrule (3) of this rule. The loss of the application shield after the applicable time specified in this rule for a person to have filed a timely and administratively complete application for a renewable operating permit is grounds for enforcement action under the act. Any enforcement action pursuant to loss of the application shield shall consider the time period between the applicable deadline and when a person actually submits the required administratively complete application or additional information.

(2) An application submittal, including an application submittal for renewal or modification of a renewable operating permit, shall be considered an administratively complete application if it contains reasonable responses to all requests for information in the permit application form required by the department and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. The application form required by the department shall be consistent with the requirements of section 5507 of the act, except as provided for general renewable operating permits under R336.1218. The application form shall also require a certification of compliance with all applicable requirements, a statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and test methods, and a statement indicating the stationary source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the clean air act. All of the following provisions apply to the administrative completeness of an application for a renewable operating permit:

(a) On and after November 1, 1995, the department shall notify the person who submitted the application for a renewable operating permit and the responsible official, in writing, regarding the administrative completeness of the application submittal. If the application submittal is considered not to be an administratively complete application by the department, then the notification shall specify the deficiency and all supplemental materials required for an administratively complete application. A person's response to a notification by the department of the incompleteness of an application shall include all of the supplemental materials requested by the department in the notification and a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. All of the following provisions apply to department notification:

(i) If the department fails to notify a person that an application submittal, including the submittal of any supplemental materials requested by the department under this subdivision, is not administratively complete by the following deadlines, then the submittal shall be considered an administratively complete application as of the date the department received the submittal or the supplemental materials, whichever is later:

(A) By January 5, 1996, or within 60 days of the date the department receives the submittal, whichever is later, if the submittal is received on the paper forms specified by the department.

(B) By November 15, 1995, or within 15 days of the date the department receives the submittal, whichever is later, if the submittal is received in an electronic format specified by the department.

(ii) If a person submits all of the supplemental materials identified in a notification from the department under this subrule, then the application shall be considered administratively complete.



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(iii) Except as provided in paragraph (i) of this subdivision, the date the department receives all information required for an administratively complete application, including all supplemental materials requested by the department under this subdivision, shall be the date of receipt of the administratively complete application.

(b) Any person who fails to submit any relevant facts or who has submitted incorrect information in an application for a renewable operating permit, including an application for renewal or modification of a renewable operating permit, shall, upon becoming aware of the failure or incorrect submittal, promptly submit all supplementary facts or corrected information. Each submittal of any relevant facts or corrected information shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.

(c) A person shall promptly provide any additional information necessary for an administratively complete application for any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3). For administratively complete applications submitted under subrule (4)(e) or (f) of this rule, the information required by this subrule may be maintained by the person and submitted to the department in accordance with the following schedule, unless the department specifically requests that information by an earlier date under subrule (3) of this rule:

(i) By January 1, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and for all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.

(ii) By January 1, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and for all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.

Each submittal of any additional information shall include a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.

(3) After an application for a renewable operating permit has been determined by the department to be administratively complete, the department may require additional information, including information that was not requested on the application form. For the purpose of this subrule, additional information means information necessary to evaluate or take final action on the application, information needed to determine the applicability of any lawful requirement, information needed to enforce any lawful requirement, information needed to address any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3), or information needed to evaluate the amount of the annual air quality fee for the stationary source. A person's response to a request for additional information by the department shall include all of the information requested by the department in the request and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. The person who submitted the application for a renewable operating permit for a stationary source shall furnish, within 30 days of the date of the request, any additional information requested, in writing, by the department, except as follows:

(a) A 30-day extension for a response shall be granted if the person requests that extension, in writing, during the initial 30-day time period.

(b) The person may request a longer period of time, in writing, specifying the reasons why 60 days was not reasonable for submitting the requested information.

(c) The department shall provide written notice to the person of the date of expiration of any time period for submittal of all requested additional information as a part of any request for additional information or upon granting a request for an extension.

Failure to submit additional information that has been requested in writing by the department by the expiration of the time period specified for response results in the loss of the application shield specified in subrule (1) of this rule.

(4) For a stationary source that is defined as a major source under R 336.1211(1)(a) on the effective date of this rule, an administratively complete application for a renewable operating permit shall be considered

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timely if it is received by the department on or before the following deadlines:

(a) By February 29, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 0600-0999 (agricultural services), 1500-1799 (construction), 1800-1999, 2000-2039 (food), 2100-2399 (tobacco and textiles), 2400-2499 (lumber and wood), 2950-2999 (asphalt), 3270-3289 (concrete, lime and gypsum products), 5000-5499 (services), or 5600-7499 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(b) By May 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 3000-3099 (rubber and miscellaneous plastic), 5500-5599 (auto dealers and gas service), or 7500-7599 (auto repair). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(c) By July 30, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 3400-3599 (fabricated metal). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(d) By October 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 1300-1399 (oil and gas), 2051-2099 (bakeries and food), 2500-2599 (furniture), 2650-2699 (paper products), 3600-3699 (electronic), 4000-4899 (transportation), 7600-7999 (services), 8100-9999 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(e) By December 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 1000-1299 (mining), 1400-1499 (nonmetallic mineral mining), 2040-2050 (grain mills and cereal), 2700-2799 (printing), 3100-3199 (leather), 3200-3269 (stone, clay, and glass), 3290-3299 (nonmetallic mineral products), 3700-3710 (transportation equipment), 3714-3799 (transportation equipment), 3800-3999 (miscellaneous manufacturing), 4900-4999 (gas, electric and sanitary services), 8000-8099 (medical). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(f) By February 28, 1997, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 2600-2649 (paper mills), 2800-2899 (chemicals), 2900-2949 (petroleum refining), 3300-3399 (primary metal), 3711-3713 (automobile and truck assembly). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(g) Notwithstanding the deadlines specified in subdivisions (a) to (f) of this subrule, a person who owns or operates 2 or more stationary sources that are subject to the provisions of this rule may request, in writing, an alternate schedule for submittal of timely and administratively complete applications for renewable operating permits for those stationary sources. The proposed schedule shall provide that administratively complete applications for the stationary sources shall be submitted between the dates specified in subdivisions (a) to (f) of this subrule. If agreed to in writing by the department, the alternate schedule shall be the basis for determining whether an administratively complete application is timely pursuant to this rule.

(5) For a stationary source that becomes a major source, as defined by R 336.1211(1)(a), after the effective date of this rule, an administratively complete application shall be considered timely if it is received by the department not more than 12 months after the stationary source commences operation as a major source or by the applicable deadline specified in subrule (4)(a) to (f) of this rule, whichever is later. For the purposes of this subrule, commencing operation as a major source occurs upon commencement of trial operation of the new or modified emission unit that increased the potential to emit of the stationary source to more than or equal to the applicable major source definition specified in R 336.1211(1)(a).

(6) For a stationary source that is an affected source under title IV of the clean air act, a complete permit application for an initial phase II acid rain permit shall be considered timely if it is submitted by January 1, 1996, for sulfur dioxide and January 1, 1998, for nitrogen oxides.

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- (7) For renewal of a renewable operating permit, an administratively complete application shall be considered timely if it is received by the department not more than 18 months, but not less than 6 months, before the expiration date of the current renewable operating permit.
- (8) For a stationary source that is not a major source under R 336.1211(1)(a), but is otherwise subject to the requirements of this rule under R 336.1211(1), a complete application is considered timely if it is received by the department in accordance with the following provisions, as applicable:
- (a) For an affected source under R 336.1211(1)(b), on or before October 1, 1997.
  - (b) For a solid waste incineration unit under R 336.1211(1)(c), within 12 months of the date of the promulgation of an applicable requirement under section 129(a) of the clean air act.
  - (c) For a municipal solid waste landfill under R 336.1211(1)(d), by whichever is the later of the following dates:
    - (i) November 1, 1998.
    - (ii) Within 21 months of the effective date of R 336.1931 for implementing the provisions of 40 C.F.R. part 60, subpart Cc.
    - (iii) Within 15 months of the date the landfill becomes subject to any of the provisions of 40 C.F.R. part 60, subpart WWW.
- (9) For modifications to a renewable operating permit, an administratively complete application shall be considered timely if it is received by the department in accordance with the time frames specified in R 336.1216.
- (10) Failure to operate in compliance with all terms and conditions of an operating permit is grounds for enforcement action under the act, permit revocation or revision, or denial of a permit renewal application.
- (11) Failure to halt or reduce an activity when necessary to comply with an operating permit is grounds for enforcement action.
- (12) Submittal of a complete application for a renewable operating permit does not supersede or affect any requirements to obtain a permit to install under R 336.1201.
- (13) A person who submits information to the department as a part of an application for a renewable operating permit under a claim of confidentiality, consistent with the requirements of 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, shall submit a copy of the information directly to the United States environmental protection agency.
- (14) Except as provided in this subrule, the department shall take final action on each administratively complete application for a renewable operating permit, including an application for permit renewal, within 18 months after the date of receipt by the department of an administratively complete application. The department shall take final action on each timely and administratively complete application for first time issuance of a renewable operating permit for major sources, submitted under subrule (4)(a) to (f) of this rule, in accordance with the following schedule:
- (a) By February 28, 1997, for all applications for a renewable operating permit required to be submitted under subrule (4)(a) and (b) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date on or before May 15, 1996.
  - (b) By February 28, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(c) and (d) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from May 16, 1996, to October 15, 1996.
  - (c) By February 28, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.
  - (d) By February 28, 2000, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.
- History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 1999 MR 1, Eff. Feb. 4, 1999; 2001 MR 15, Eff. Aug. 22, 2001.

**R 336.1211 Renewable operating permit applicability.**

Rule 211. (1) All of the following stationary sources are subject to the requirements of R 336.1210 to obtain, and only operate in compliance with, a renewable operating permit:

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(a) Major sources as defined by any of the following criteria:

(i) A major source under section 112 of the clean air act, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, in the aggregate, any of the following:

(A) Ten tons per year of any hazardous air pollutant that has been listed under section 112(b) of the clean air act.

(B) Twenty-five tons per year of any combination of hazardous air pollutants that have been listed under section 112(b) of the clean air act.

(C) A lesser quantity as the administrator of the United States environmental protection agency may establish by rule for any hazardous air pollutant listed under section 112(b) of the clean air act. The department shall maintain, and make available upon request, a list of the hazardous air pollutants for which a lesser quantity criteria has been established. Emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources under this paragraph. For the purpose of this paragraph, the potential to emit of a stationary source for hazardous air pollutants includes fugitive emissions, regardless of the category of the stationary source.

(ii) A stationary source that directly emits, or has the potential to emit, 100 tons per year or more of any of the following:

(A) Lead.

(B) Sulfur dioxide.

(C) Nitrogen oxides.

(D) Carbon monoxide.

(E) PM-10.

(F) Ozone.

(G) Volatile organic compounds.

(H) Any air contaminant regulated under section 111 of title I of the clean air act.

(I) Any class I and class II substances under title VI of the clean air act.

For the purpose of this paragraph, the fugitive emissions of a stationary source shall not be considered in determining whether the stationary source is a major source, unless the stationary source belongs to 1 of the categories listed in the definition of potential to emit in R 336.1116.

(iii) A major stationary source, as defined in part d of title I of the clean air act, including, for ozone nonattainment areas, stationary sources that have the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate.

(b) Any affected source as defined in section 402 of the clean air act.

(c) Any solid waste incineration unit, as defined in section 129(g) of the clean air act, that is required to obtain a renewable operating permit under section 129(e) of the clean air act.

(d) Any municipal solid waste landfill that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters.

(e) Any stationary source in a source category designated by the administrator of the United States environmental protection agency under 40 C.F.R. §70.3.

(2) For the purposes of determining the applicability of R 336.1210, the potential to emit of a stationary source shall be the sum of the potential to emit of all process and process equipment located at the stationary source.

(3) The following stationary sources are exempted from the obligation to obtain a renewable operating permit under R 336.1210:

(a) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 60, subpart AAA, standards of performance for new residential wood heaters.

(b) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 61, subpart M, national emission standard for hazardous air pollutants for asbestos, §61.145, standard for demolition and renovation.

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History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 1999 MR 1, Eff. Feb. 4, 1999; 2001 MR 15, Eff. Aug. 22, 2001.

**R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.**

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of subrule (2) of R 336.1210 and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by such change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by such change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting fires is required pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:

(a) All cooling and ventilation equipment listed in R 336.1280.

(b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).

(d) All other equipment listed in R 336.1283.

(e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).

(f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (t), and (v) to (ii), except for externally vented equipment listed in R 336.1285(l)(vi).

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- (g) All plastic processing equipment listed in R 336.1286.
- (h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).
- (i) All oil and gas processing equipment listed in R 336.1288.
- (j) All asphalt and concrete production equipment listed in R 336.1289.
- (4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. This list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:
  - (a) Cleaning, washing, and drying equipment listed in R 336.1281(g) and (h).
  - (b) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282.
  - (c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).
  - (d) Miscellaneous process or process equipment listed in R 336.1285(g), (q), and (u) and externally vented process equipment listed in R 336.1285(l)(vi).
  - (e) Surface-coating equipment listed in R 336.1287(a) and (c).
  - (f) Process or process equipment which has limited emissions and which is listed in R 336.1290.
- (5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:
  - (a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.
  - (b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.
  - (c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.
- (6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for calendar year 1995, or the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), whichever is later, each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:
  - (a) Nitrogen oxides or any volatile organic compound.
  - (b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.
  - (c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.
  - (d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.
  - (e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:
    - (i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major

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shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.

(ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following are met:

(a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.

(b) The actual emissions from the process or process equipment do not exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2001 MR 15, Eff. Aug. 22, 2001.

**R 336.1213 Content of a renewable operating permit.**

Rule 213. (1) Each renewable operating permit shall include all of the following general provisions:

(a) A person shall comply with all conditions of the renewable operating permit. Any permit noncompliance constitutes a violation of the act and is grounds for enforcement action, for permit revocation or revision, or for denial of the renewal of a renewable operating permit. All terms and conditions of a renewable operating permit that are designated in the permit as federally enforceable pursuant to subrule (5) of this rule, are enforceable by the administrator of the United States environmental protection agency and by citizens under the provisions of the clean air act.

(b) It shall not be a defense for a person in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(c) The renewable operating permit may be modified, revised, or revoked for cause. The filing of a request by a person for a permit modification, revision, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. This does not supersede or affect the ability of a person to make changes, at the person's own risk, pursuant to R 336.1215 and R 336.1216.

(d) A person shall allow the department or an authorized representative of the department, upon presentation of credentials and other documents as may be required by law and upon stating the authority for and purpose of the investigation, to perform any of the following activities:

(i) Enter, at reasonable times, a stationary source or other premises where emissions-related activity is conducted or where records must be kept under the conditions of the permit.

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

(iii) Inspect, at reasonable times, any of the following:

(A) Any stationary source.

(B) Any emission unit.

(C) Any equipment, including monitoring and air pollution control equipment.

(D) Any work practices or operations regulated or required under the renewable operating permit.

(iv) As authorized by section 5526 of the act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(e) A person shall furnish to the department, within a reasonable time, any information that the department may request, in writing, to determine whether cause exists for modifying, revising, or revoking the permit or to determine compliance with the permit. Upon request, a person shall also furnish to the department copies of any records that are required to be kept as a term or condition of the renewable operating permit. For information which is claimed by the person to be confidential, consistent with the requirements of 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, the person may also be required to furnish the records directly to the United States environmental protection agency together with a claim of confidentiality.

(f) A challenge by any person, the administrator of the United States environmental protection agency, or the department to a particular condition or a part of a renewable operating permit shall not set aside, delay, stay, or in any way affect the applicability or enforceability of any other condition or part of the renewable

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operating permit.

(g) A person shall pay fees consistent with the fee schedule and requirements pursuant to section 5522 of the act.

(h) The renewable operating permit does not convey any property rights or any exclusive privilege.

(i) Federally enforceable permit to install terms and conditions incorporated into the renewable operating permit are identified within the renewable operating permit as being established pursuant to R 336.1201.

(2) Each renewable operating permit shall contain emission limits and standards, including operational requirements and limits that ensure compliance with all applicable requirements at the time of permit issuance. In addition, each renewable operating permit may contain additional limits agreeable to both the applicant and the department, provided that these limits are not contrary to R 336.1213 or the clean air act. The following provisions apply to emission limits and standards:

(a) The renewable operating permit shall specify and reference the underlying applicable requirement for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(b) The renewable operating permit shall state that, where an applicable requirement is more stringent than an applicable requirement of regulations promulgated for affected sources under title IV of the clean air act, both provisions shall be incorporated into the permit.

(c) If the state implementation plan allows for an alternative emission limit that is equivalent to the limit contained in the state implementation plan, any renewable operating permit containing the equivalent alternative emission limit shall contain terms and conditions to ensure that any such emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.

(d) Any term or condition established as a limit on the potential to emit of the stationary source shall be consistent with the requirements of R 336.1205(1)(a). For each such limit on the potential to emit of the stationary source, the permit shall specify and reference any requirements that would otherwise be applicable to the source or emission unit.

(3) The renewable operating permit shall contain terms and conditions necessary to ensure that sufficient testing, monitoring, recordkeeping, reporting, and compliance evaluation activities will be conducted to determine the status of compliance of the stationary source with the emission limitations and standards contained in the renewable operating permit. The following provisions apply to testing, monitoring, recordkeeping, reporting, and compliance evaluation activities:

(a) With respect to testing and monitoring, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with all of the following:

(i) The use of all emissions monitoring and analysis procedures or test methods required by the applicable requirements, including 40 C.F.R. part 64 and any other procedures and methods promulgated pursuant to sections 504(b) or 114(a)(3) of the clean air act. Title 40 C.F.R. part 64 is adopted by reference in R 336.1299. If more than 1 monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing requirements, provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that were not included in the permit as a result of such streamlining.

(ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, the use of periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit, as reported pursuant to subrule (3)(c) of this rule. The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions shall be sufficient to meet the requirements of subrule (3)(b) of this rule.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(b) With respect to recordkeeping, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with the recordkeeping requirements specified in the applicable requirements. Each renewable operating permit shall also contain terms and conditions that require, where appropriate, both of the following:

(i) Records of any periodic emission or parametric monitoring that include all of the following information:



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- (A) The date, location, time, and method of sampling or measurements.
- (B) The dates analyses of the samples were performed.
- (C) The company or entity that performed the analyses of the samples.
- (D) The analytical techniques or methods used.
- (E) The results of the analyses.
- (F) The related operating conditions or parameters that existed at the time of sampling or measurement.
- (ii) Retention of records of all required monitoring data and support information for a period of not less than 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings, or other original data records, for continuous monitoring instrumentation and copies of all reports required by the renewable operating permit.
- (c) With respect to reporting and the certification of reports, each renewable operating permit shall contain terms and conditions necessary to insure compliance with the reporting requirements specified in the applicable requirements. Except as provided subdivision (iii)(B) of this subdivision, any document, including reports, required to be submitted to the department as a term or condition of a renewable operating permit shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Each renewable operating permit shall also contain terms and conditions for all of the following:
  - (i) The submittal of reports of any required monitoring at least once every 6 months. All instances of deviations from permit requirements during the reporting period shall be clearly identified in the reports. Each report submitted pursuant to this subdivision shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.
  - (ii) The prompt reporting of deviations from permit requirements. Prompt reporting shall be defined as follows, unless otherwise provided in the renewable operating permit:
    - (A) For deviations that exceed the emissions allowed under the renewable operating permit, prompt reporting means reporting consistent with the requirements of R 336.1912. All reports submitted pursuant to this paragraph shall be promptly certified as specified in paragraph (iii) of this subdivision.
    - (B) For deviations which exceed the emissions allowed under the renewable operation permit and which are not reported pursuant to R 336.1912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.
    - (C) For deviations that do not exceed the emissions allowed under the renewable operating permit, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.
  - (iii) For reports required pursuant to paragraph (ii) of this subdivision, prompt certification of the reports means either of the following:
    - (A) Submitting a certification by a responsible official with each report which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.
    - (B) Submitting, within 30 days following the end of a calendar month during which 1 or more prompt reports of deviations from the emissions allowed under the permit were submitted to the department pursuant to paragraph (ii) of this subdivision, a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information contained in each of the reports submitted during the previous month were true, accurate, and complete. The certification shall include a listing of the reports that are being certified. Any report submitted pursuant to paragraph (ii) of this subdivision that will be certified on a monthly basis pursuant to this paragraph shall include a statement that certification of the report will be provided within 30 days following the end of the calendar month.
- (4) With respect to compliance, each renewable operating permit shall contain terms and conditions necessary to ensure each of the following:
  - (a) Incorporation into the renewable operating permit of a schedule of compliance.

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(b) For a stationary source that is not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, the submission of progress reports to the department, consistent with an applicable schedule of compliance, at least semiannually or more frequently if specified in an applicable requirement or by the department in the permit. Progress reports shall contain the information specified in both of the following provisions:

(i) The date or dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and the date or dates when the activities, milestones, or compliance were achieved.

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met and a description of any preventive or corrective measures adopted.

(c) A requirement that, at least annually, or more frequently if specified in an applicable requirement or by the department in the renewable operating permit, the responsible official shall certify, in writing, to the department and to the United States environmental protection agency, that the stationary source is and has been in compliance with all terms and conditions contained in the renewable operating permit, except for any deviations from compliance that have been or are being reported to the department. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. Each certification of compliance shall include all of the following information:

(i) The identification of each term or condition of the permit that is the basis of the certification.

(ii) The compliance status of the stationary source with respect to each identified term or condition.

(iii) Whether compliance was continuous or intermittent.

(iv) The methods used for determining the compliance status of the stationary source, currently and over the reporting period consistent with subrules (3)(a), (b), and (c) of this rule.

(v) Other facts as the department may require in the permit that are necessary to determine the compliance status of the stationary source.

(5) Each renewable operating permit shall provide for the following:

(a) Each renewable operating permit shall specifically designate as not being enforceable under the clean air act any terms and conditions included in the permit that are not required under the clean air act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements for review by the United States environmental protection agency or affected states under R 336.1214.

(b) Each renewable operating permit shall specifically designate each federally enforceable applicable requirement previously established in a permit to install pursuant to R 336.1201.

(6) Both of the following provisions apply to permit shields:

(a) Except as provided in subdivision (b) of this subrule, each renewable operating permit shall include a permit shield provision stating that compliance with the conditions of the permit shall be considered compliance with any applicable requirements as of the date of permit issuance, if either of the following provisions is satisfied:

(i) The applicable requirements are included and are specifically identified in the permit.

(ii) The permit includes a determination or a concise summary of the determination by the department that other specifically identified requirements are not applicable to the stationary source.

(b) Nothing in this subrule or in any renewable operating permit shall alter or affect any of the following:

(i) The provisions of section 303 of the clean air act, emergency orders, including the authority of the administrator of the United States environmental protection agency under that section.

(ii) The liability of an owner or operator of a stationary source for any violation of applicable requirements before or at the time of permit issuance.

(iii) The applicable requirements of the acid rain program, consistent with section 408(a) of the clean air act.

(iv) The ability of the United States environmental protection agency to obtain information from a stationary source pursuant to section 114 of the clean air act.

(7) Each renewable operating permit shall be issued for a fixed term of not more than 5 years. Renewable operating permits that have terms of less than 5 years may be issued with the agreement of the department and the permit applicant. The terms and conditions of a renewable operating permit for affected sources under title IV of the clean air act that address the requirements of title IV shall be issued for a term of 5 years. The date of expiration of the renewable operating permit shall be specified in the permit.

(8) A renewable operating permit shall include terms and conditions that allow a stationary source to switch

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its operation between reasonably anticipated operating scenarios if the scenarios have been identified by the stationary source in its application and found to be approvable by the department. The terms and conditions shall provide for all of the following:

(a) Require the stationary source, contemporaneously with making a change from one operating scenario to another, to record, in a log at the stationary source, a record of the scenario under which the source is operating.

(b) Extend the permit shield described in subrule (6) of this rule to all terms and conditions under each approved operating scenario.

(c) Ensure that the terms and conditions of each approved alternative scenario meet all applicable requirements.

(9) A renewable operating permit shall include terms and conditions for the trading of emissions increases and decreases among process emission units within the stationary source solely for the purpose of complying with an emissions cap that is established in the permit independent of otherwise applicable requirements, if the terms and conditions have been requested by a person in an application for a renewable operating permit. If a person wishes to include the terms and conditions in a renewable operating permit, the permit application shall include proposed replicable procedures and permit terms that the person believes ensure the emissions trades are quantifiable and enforceable. The terms and conditions shall include those necessary to meet the requirements of subrules (2) to (4) of this rule. The department shall not be required to include in the emissions trading provisions any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Both of the following provisions apply to the trading of emissions increases and decreases among emission units solely for the purpose of complying with an emissions cap:

(a) A written notification to the department and the United States environmental protection agency is required 7 days in advance of any emissions trade under this subrule. The notice shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in subrule (6) of this rule shall extend to terms and conditions that allow the increases and decreases in emissions.

(10) In addition to the other requirements of this rule, each renewable operating permit for an affected source under title iv of the clean air act shall include a permit condition prohibiting emissions exceeding any allowances that an affected source lawfully holds as of the allowance transfer deadline pursuant to R 336.1299(d) and 40 C.F.R. §72.9(c)(1)(i). All of the following apply to allowances:

(a) A permit revision shall not be required for increases in emissions that are authorized by allowances acquired pursuant to title IV of the clean air act if the increases do not require a permit revision under any other applicable requirement.

(b) A limit shall not be placed on the number of allowances held by the affected source. The affected source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any allowance shall be accounted for according to the procedures established in regulations promulgated under title IV of the clean air act.

(11) A renewable operating permit for a temporary source may authorize emissions from a stationary source at multiple temporary locations. An affected source under title IV of the clean air act shall not be permitted as a temporary source. In addition to the other requirements of this rule, permits for temporary sources shall include all of the following provisions:

(a) Conditions that will assure compliance with all applicable requirements at all authorized locations.

(b) Requirements that the owner or operator notify the department not less than 10 days in advance of each change in location.

(c) Conditions that assure compliance with all other provisions of this rule.

(12) A renewable operating permit shall contain terms and conditions allowing for emission averaging and emission reduction credit trading pursuant to any applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2001 MR 15, Eff. Aug. 22, 2001.

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**R 336.1214 Approval of a renewable operating permit.**

Rule 214. (1) After the department has received an administratively complete application and all additional information requested by the department pursuant to R 336.1210(3) for a renewable operating permit, significant modification to a renewable operating permit, or the renewal of a renewable operating permit, the department shall prepare a draft permit and a report that sets forth the applicable requirements and factual basis for the draft permit terms and conditions. The report shall include citations of the applicable requirements, an explanation of any equivalent requirements or other changes included in the draft permit pursuant to R 336.1212(6), and any determination made pursuant to R 336.1213(6)(a)(ii) regarding requirements that are not applicable to the stationary source where the draft permit contains only a summary of the determination.

(2) The person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the draft renewable operating permit, draft renewable operating permit significant modification, or draft renewable operating permit renewal before the start of the public participation procedure specified in subrule (3) of this rule. If the person and the department cannot agree on the terms and conditions of the draft renewable operating permit, the terms and conditions that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the draft renewable operating permit and the report required by subrule (1) of this rule shall include a discussion of the person's objections.

(3) Except for modifications qualifying for administrative permit amendment procedures pursuant to R 336.1216(1) or minor permit modification procedures pursuant to R 336.1216(2), the draft renewable operating permit, draft renewable operating permit modification, or the draft renewable operating permit renewal shall be subjected to the following public participation procedure before the department submits a proposed renewable operating permit to the United States environmental protection agency for review pursuant to subrule (6) of this rule:

(a) The department shall provide public notice by publication in a newspaper of general circulation in the area where the stationary source is located or in a state publication designed to give general public notice. Notice shall also be provided to persons on a mailing list maintained by the department, including persons who request, in writing, to be on that list, and to any person who requests, in writing, to be notified of a permit action involving a specific stationary source.

(b) The notice shall set forth all of the following information:

(i) The name of the stationary source.

(ii) The name and mailing address of the responsible official.

(iii) The mailing address of the department.

(iv) The activity or activities involved in the proposed permit action.

(v) The emissions change involved in any permit modification.

(vi) The name, address, and telephone number of a representative of the department from whom interested persons may obtain additional information, including copies of the draft permit, the report required under subrule (1) of this rule, and, to the extent provided by 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, the application and any other materials available to the department that are relevant to the permit decision.

(vii) A brief description of the procedures to submit comments.

(viii) The time and place of any hearing that may be held, including a statement of the procedures to request a hearing, unless a hearing has already been scheduled.

(c) The department shall provide not less than 30 days for public comment and shall give notice of any public hearing not less than 30 days in advance of the hearing.

(d) The department shall keep a record of the commenters and the issues raised during the public participation process and the records shall be available to the public.

(4) The department shall give notice of each draft permit to any affected state on or before the time that the department provides notice to the public pursuant to subrule (3) of this rule, unless R 336.1216(2) requires the timing of the notice to be different. The department shall notify the administrator of the United States environmental protection agency and any affected state, in writing, of any refusal by the department to accept all recommendations for the proposed permit that the affected state submitted during the public

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comment period specified in subrule (3)(c) of this rule. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(5) After the completion of the public participation procedure specified in subrule (3) of this rule and the review by affected states specified in subrule (4) of this rule, the department shall prepare a proposed renewable operating permit, proposed renewable operating permit significant modification, or proposed renewable operating permit renewal. If the proposed renewable operating permit differs from the draft renewable operating permit in response to substantial and relevant comments from the public or affected states, the person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the changes before the transmittal of the proposed renewable operating permit to the United States environmental protection agency for review. If the person and the department cannot agree on the changes to the proposed renewable operating permit, the changes that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the proposed renewable operating permit and the person's objections shall be included in the information transmitted to the United States environmental protection agency for review.

(6) Except as provided in 40 C.F.R. §70.8(a)(1) and (2) and as provided in R336.1210(13), the department shall transmit a copy of each administratively complete application for a renewable operating permit, including any application for a significant modification to a renewable operating permit or for renewal of a renewable operating permit, all additional information submitted pursuant to R 336.1210(3), the report prepared pursuant to subrule (1) of this rule, and the proposed renewable operating permit to the United States environmental protection agency. The department shall not take a final action to issue a renewable operating permit until 45 days after the United States environmental protection agency has received all the information specified in this subrule and subrule (4) of this rule. If the administrator of the United States environmental protection agency objects, in writing, to the renewable operating permit before the end of the 45-day review period specified in this subrule, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The department shall follow the procedure specified in 40 C.F.R. §70.8(c) to resolve the objection. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit.

(7) The department shall make a final decision to issue or deny a renewable operating permit, a significant modification to a renewable operating permit, or the renewal of a renewable operating permit after completion of the review by the United States environmental protection agency specified in subrule (6) of this rule. The final renewable operating permit shall contain all terms and conditions determined by the department to be necessary pursuant to R336.1213, after consideration of all comments received during public participation pursuant to subrule (3) of this rule and affected state review pursuant to subrule (4) of this rule, including any terms and conditions necessary to resolve any objection by the administrator of the United States environmental protection agency pursuant to subrule (6) of this rule. The department shall transmit a copy of each final renewable operating permit to the United States environmental protection agency. A person aggrieved by the issuance, denial, modification, or renewal of a renewable operating permit may appeal the final decision as provided in section 5506(14) of the act.

(8) Any person may petition the administrator of the United States environmental protection agency to make an objection regarding a renewable operating permit pursuant to 40 C.F.R. §70.8(d). The petition shall be filed within 60 days after the expiration of the administrator's 45-day review period specified in subrule (6) of this rule and 40 C.F.R. §70.8(c). The petition shall be based only on an objection to the renewable operating permit that was raised with reasonable specificity during the public comment period provided for in subrule (3)(c) of this rule, unless the petitioner demonstrates that it was impracticable to raise the objection during the public comment period or unless the grounds for the objection arose after the public comment period. A petition for review does not stay the effectiveness of a renewable operating permit or its requirements if the renewable operating permit was issued after the end of the 45-day review period and before the department received an objection by the administrator. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d) before the department has issued the renewable operating permit, the

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department shall not issue the renewable operating permit until the administrator's objection has been resolved. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d) after the department has issued the renewable operating permit, the department shall follow the procedure specified in 40 C.F.R. §70.7(g) to resolve the objection.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2001 MR 15, Eff. Aug. 22, 2001.

**R 336.1215 Operational flexibility, emissions trading activities between stationary sources, off-permit changes, and insignificant changes for a renewable operating permit.**

Rule 215. (1) The following provisions apply to operational flexibility within a stationary source. As provided in 40 C.F.R. §70.4(B)(12), a person may make either of the following changes to process or process equipment within a stationary source covered by a renewable operating permit without a revision to that permit, if the changes are not a modification under any applicable provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in the terms of total emissions, if the person provides written notification to the department and the United States environmental protection agency at least 7 days prior to the change. The permittee and the department shall attach each such notice to their copy of the relevant permit:

(a) As provided in 40 C.F.R. §70.2 and 40 C.F.R. §70.4(B)(12)(i), a person may make changes that contravene a specific permit condition, if the changes are not modifications under any provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in terms of total emissions. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements. For each such change, the written notification required in this subrule shall include all of the following information:

(i) A brief description of the change within the stationary source.

(ii) The date on which the change will occur.

(iii) Any change in emissions.

(iv) Any permit term or condition that is no longer applicable as a result of the change.

(b) As provided in 40 C.F.R. §70.4(B)(12)(ii), a person may trade increases and decreases in emissions within the stationary source according to procedures specified by an applicable emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan, if the person has provided written notification to the department and the United States environmental protection agency of the changes at least 7 days prior to the activity taking place.

(i) The written notification required in this subdivision shall include all information required by the approved state implementation plan, including at a minimum, all of the following information:

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the stationary source will comply using the emissions trading provisions of the approved state implementation plan for trading within a stationary source.

(E) The pollutants emitted subject to the emissions trade.

(F) The provisions of the approved state implementation plan, with which the stationary source will comply and which provide for the emissions trade within the stationary source.

(ii) Compliance with the permit requirements that the stationary source will meet using the emissions trade shall be determined according to the requirements of the approved state implementation plan authorizing the emissions trade within the stationary source.

(c) For the purposes of this subrule, the emissions allowable under the renewable operating permit include any emission limitation, standard, or condition, including a work practice standard, that is required by an applicable requirement or any emission limitation, standard, or condition, including a work practice

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standard, that establishes an emissions cap which the source has assumed to avoid an applicable requirement.

(2) The following provisions apply to emission reduction credits trading between stationary sources. As provided in 40 C.F.R. §70.6(A)(8), a person may make any changes without revision to the renewable operating permit where provided for in the renewable operating permit and allowed by an applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency.

(3) The following provisions apply to off-permit changes. as provided in 40 C.F.R. §70.4(B)(14) and (15), a person may make a change at a stationary source covered by a renewable operating permit that is not addressed or prohibited by the renewable operating permit without a revision to the renewable operating permit, if all of the following provisions are met:

(a) The change complies with all applicable requirements and is not a modification under any applicable provision of title I of the clean air act.

(b) If the stationary source is an affected source under title IV of the clean air act, the change is not contrary to any applicable requirement of title IV of the clean air act.

(c) The person shall provide contemporaneous written notification to the department and the United States environmental protection agency of each change. The written notice shall describe the change, including all of the following information:

(i) The date of the change.

(ii) Any change in emissions.

(iii) Any pollutants emitted.

(iv) Any applicable requirement that would apply as a result of the change.

(v) A statement that the notification is being provided pursuant to this subrule.

(d) The person shall keep a record describing changes made at the stationary source that result in emissions of an air contaminant which are subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the changes.

(4) The following provisions apply to insignificant changes. A person may make a change at a stationary source covered by a renewable operating permit that involves the insignificant activities listed pursuant to R 336.1212(2) or that involves the installation, construction, reconstruction, relocation, alteration, or modification of any process or process equipment listed pursuant to R 336.1212 (3) and (4) without a revision to the renewable operating permit, if none of the following provisions apply to the change:

(a) The change would result in a violation of any applicable requirement.

(b) The change would require or modify any of the following:

(i) A case-by-case determination of an emission limitation or other standard.

(ii) For temporary sources, a source-specific determination of ambient air impacts.

(iii) A visibility or increment analysis.

(c) The change would seek to establish or modify an emission limit, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(d) The change is a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

(5) Changes made pursuant to this rule do not qualify for the permit shield provided by R 336.1213(6).

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2001 MR 15, Eff. Aug. 22, 2001.

**R 336.1216**

**Source:** 1996 AACS.

**R 336.1217**

**Source:** 1995 AACS.

**R 336.1218**

**Source:** 1995 AACS.

**R 336.1219**

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**Source:** 1995 AACS.

**R 336.1220**

**Source:** 1993 AACS.

**R 336.1221**

**Source:** 1997 AACS.

**R 336.1224**

**Source:** 1998-2000 AACS.

**R 336.1225**

**Source:** 1998-2000 AACS.

**R 336.1226**

**Source:** 1998-2000 AACS.

**R 336.1227**

**Source:** 1998-2000 AACS.

**R 336.1228**

**Source:** 1998-2000 AACS.

**R 336.1229**

**Source:** 1998-2000 AACS.

**R 336.1230**

**Source:** 1998-2000 AACS.

**R 336.1231**

**Source:** 1998-2000 AACS.

**R 336.1232**

**Source:** 1998-2000 AACS.

**R 336.1240**

**Source:** 1989 AACS.

**R 336.1241**

**Source:** 1989 AACS.

**R 336.1278**

**Source:** 1998-2000 AACS.

**R 336.1279**

**Source:** 1995 AACS.

**R 336.1280**

**Source:** 1995 AACS.

**R 336.1281**

**Source:** 1995 AACS.

**R 336.1282**

**Source:** 1995 AACS.



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**R 336.1283**

**Source:** 1997 AACs.

**R 336.1284**

**Source:** 1997 AACs.

**R 336.1285**

**Source:** 1997 AACs.

**R 336.1286**

**Source:** 1997 AACs.

**R 336.1287**

**Source:** 1997 AACs.

**R 336.1288**

**Source:** 1995 AACs.

**R 336.1289**

**Source:** 1995 AACs.

**R 336.1290**

**Source:** 1997 AACs.

**R 336.1299 Adoption of standards by reference.**

Rule 299. The following standards are adopted in these rules by reference and are available as noted:

(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$11.00, or from the American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438, at a cost as of the time of adoption of these rules of \$11.00.

(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$14.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95-100368, at a cost as of the time of adoption of these rules of \$14.00.

(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States environmental protection agency, 51 F.R. pp. 33992 to 34003. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERL, Office of Resource Information, United States Environmental Protection Agency, 26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA 600/8-87/045, at no cost.

(d) The federal acid rain program. The department adopts by reference in these rules the provisions of 40 C.F.R. §§72.1 to 72.96 (2000), 40 C.F.R. §§74.1 to 74.61 (2000), and 40 C.F.R. §§76.1 to 76.15 (2000). When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. If the provisions or requirements of 40 C.F.R. §§72.1 to 72.96, 40 C.F.R. §§74.1 TO 74.61, OR 40 C.F.R. §§76.1 TO 76.15 conflict with, or are not included in, R 336.1210 to R 336.1218, then the 40 C.F.R. §§72.1 to 72.96 AND 40 C.F.R. §§76.1 TO 76.15 provisions and requirements shall apply and take precedence. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of

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environmental quality. Copies of 40 C.F.R., parts 72-80, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$47.00; from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$47.00; or on the United States government printing office internet web site at <http://www.access.gpo.gov>.

(e) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources. The department adopts by reference in these rules the provisions of 40 C.F.R. §§63.40 to 63.44, in effect on January 27, 1997. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of these regulations may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$47.00, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$47.00, or on the United States environmental protection agency internet web site at <http://www.epa.gov/oar>.

(f) The federal compliance assurance monitoring regulations. The department adopts by reference in these rules the provisions of 40 C.F.R. §§64.1 to 64.10 (2000). When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R., parts 64-71, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$12.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$12.00; or on the United States environmental protection agency internet web site at <http://www.access.gpo.gov>.

History: 1992 MR 4, Eff. Apr. 17, 1992; 1995 MR 7, Eff. July 26, 1995; 1998 MR 6, Eff. July 2, 1998; 1998 MR 10, Eff. May 10, 1998; 2001 MR 15, Eff. Aug. 22, 2001.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS—PARTICULATE MATTER**

**R 336.1301**

**Source:** 1985 AACS.

**R 336.1302**

**Source:** 1997 AACS.

**R 336.1303**

**Source:** 1985 AACS.

**R 336.1310**

**Source:** 1998-2000 AACS.

**R 336.1320**

**Source:** 1998-2000 AACS.

**R 336.1330**

**Source:** 1985 AACS.

**R 336.1331**

**Source:** 1992 AACS.

**R 336.1349**

**Source:** 1980 AACS.

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**R 336.1350**

**Source:** 1985 AACS.

**R 336.1351**

**Source:** 1985 AACS.

**R 336.1352**

**Source:** 1985 AACS.

**R 336.1353**

**Source:** 1985 AACS.

**R 336.1354**

**Source:** 1985 AACS.

**R 336.1355**

**Source:** 1985 AACS.

**R 336.1356**

**Source:** 1985 AACS.

**R 336.1357**

**Source:** 1985 AACS.

**R 336.1358**

**Source:** 1998-2000 AACS.

**R 336.1359**

**Source:** 1985 AACS.

**R 336.1360**

**Source:** 1985 AACS.

**R 336.1361**

**Source:** 1998-2000 AACS.

**R 336.1362**

**Source:** 1998-2000 AACS.

**R 336.1363**

**Source:** 1998-2000 AACS.

**R 336.1364**

**Source:** 1985 AACS.

**R 336.1365**

**Source:** 1985 AACS.

**R 336.1366**

**Source:** 1985 AACS.

**R 336.1367**

**Source:** 1985 AACS.

**R 336.1370**

**Source:** 1981 AACS.

**R 336.1371**

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**Source:** 1985 AACS.

**R 336.1372**

**Source:** 1981 AACS.

**R 336.1373**

**Source:** 1997 AACS.

**R 336.1374**

**Source:** 1995 AACS.

**PART 4. EMISSION LIMITATIONS AND PROHIBITIONS—SULFUR-BEARING COMPOUNDS**

**R 336.1401**

**Source:** 1980 AACS.

**R 336.1402**

**Source:** 1980 AACS.

**R 336.1403**

**Source:** 1989 AACS.

**R 336.1404**

**Source:** 1980 AACS.

**PART 5. EXTENSION OF SULFUR DIOXIDE COMPLIANCE DATE FOR POWER PLANTS PAST  
JANUARY 1, 1980**

**R 336.1501**

**Source:** 1997 AACS.

**R 336.1502**

**Source:** 1997 AACS.

**R 336.1503**

**Source:** 1997 AACS.

**R 336.1504**

**Source:** 1997 AACS.

**R 336.1505**

**Source:** 1997 AACS.

**R 336.1506**

**Source:** 1997 AACS.

**R 336.1507**

**Source:** 1997 AACS.

**PART 6. EMISSION LIMITATIONS AND PROHIBITIONS—EXISTING SOURCES OF VOLATILE  
ORGANIC COMPOUND EMISSIONS**

**R 336.1601**

**Source:** 1993 AACS.

**R 336.1602**

**Source:** 1998-2000 AACS.

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**R 336.1603**

**Source:** 1997 AACS.

**R 336.1604**

**Source:** 1981 AACS.

**R 336.1605**

**Source:** 1980 AACS.

**R 336.1606**

**Source:** 1989 AACS.

**R 336.1607**

**Source:** 1989 AACS.

**R 336.1608**

**Source:** 1989 AACS.

**R 336.1609**

**Source:** 1989 AACS.

**R 336.1610**

**Source:** 1998-2000 AACS.

**R 336.1611**

**Source:** 1997 AACS.

**R 336.1612**

**Source:** 1997 AACS.

**R 336.1613**

**Source:** 1997 AACS.

**R 336.1614**

**Source:** 1997 AACS.

**R 336.1615**

**Source:** 1980 AACS.

**R 336.1616**

**Source:** 1989 AACS.

**R 336.1617**

**Source:** 1980 AACS.

**R 336.1618**

**Source:** 1980 AACS.

**R 336.1619**

**Source:** 1997 AACS.

**R 336.1620**

**Source:** 1998-2000 AACS.

**R 336.1621**

**Source:** 1998-2000 AACS.

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**R 336.1622**

**Source:** 1997 AACS.

**R 336.1623**

**Source:** 1993 AACS.

**R 336.1624**

**Source:** 1998-2000 AACS.

**R 336.1625**

**Source:** 1998-2000 AACS.

**R 336.1626**

**Source:** 1997 AACS.

**R 336.1627**

**Source:** 1993 AACS.

**R 336.1628**

**Source:** 1997 AACS.

**R 336.1629**

**Source:** 1993 AACS.

**R 336.1630**

**Source:** 1993 AACS.

**R 336.1631**

**Source:** 1993 AACS.

**R 336.1632**

**Source:** 1993 AACS.

**R 336.1651**

**Source:** 1997 AACS.

**PART 7. EMISSION LIMITATIONS AND PROHIBITIONS—NEW SOURCES OF VOLATILE  
ORGANIC COMPOUND EMISSIONS**

**R 336.1701**

**Source:** 1981 AACS.

**R 336.1702**

**Source:** 1993 AACS.

**R 336.1703**

**Source:** 1980 AACS.

**R 336.1704**

**Source:** 1980 AACS.

**R 336.1705**

**Source:** 1989 AACS.

**R 336.1706**

**Source:** 1997 AACS.

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**R 336.1707**

**Source:** 1997 AACS.

**R 336.1708**

**Source:** 1997 AACS.

**R 336.1709**

**Source:** 1997 AACS.

**R 336.1710**

**Source:** 1997 AACS.

**PART 8. EMISSION LIMITATIONS AND PROHIBITIONS--OXIDES OF NITROGEN**

**R 336.1801**

**Source:** 1998-2000 AACS.

**PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS**

**R 336.1901**

**Source:** 1980 AACS.

**R 336.1906**

**Source:** 1980 AACS.

**R 336.1910**

**Source:** 1980 AACS.

**R 336.1911**

**Source:** 1980 AACS.

**R 336.1912**

**Source:** 1995 AACS.

**R 336.1913 Rescinded.**

History: 1995 MR 7, Eff. July 26, 1995; rescinded 2001 MR 16, Eff. Aug. 28, 2001.

**R 336.1914 Rescinded.**

History: 1995 MR 7, Eff. July 26, 1995; rescinded 2001 MR 16, Eff. Aug. 28, 2001.

**R 336.1930**

**Source:** 1980 AACS.

**PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS**

**R 336.1931**

**Source:** 1998-2000 AACS.

**R 336.1932**

**Source:** 1998-2000 AACS.

**R 336.1933**

**Source:** 1998-2000 AACS.

**R 336.1940**

**Source:** 1998-2000 AACS.

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**R 336.1941**

**Source:** 1998-2000 AACS.

**R 336.1942**

**Source:** 1998-2000 AACS.

**PART 10. INTERMITTENT TESTING AND SAMPLING**

**R 336.2001**

**Source:** 1980 AACS.

**R 336.2002**

**Source:** 1980 AACS.

**R 336.2003**

**Source:** 1980 AACS.

**R 336.2004**

**Source:** 1998-2000 AACS.

**R 336.2005**

**Source:** 1989 AACS.

**R 336.2006**

**Source:** 1993 AACS.

**R 336.2007**

**Source:** 1993 AACS.

**R 336.2010**

**Source:** 1997 AACS.

**R 336.2011**

**Source:** 1992 AACS.

**R 336.2012**

**Source:** 1992 AACS.

**R 336.2013**

**Source:** 1985 AACS.

**R 336.2014**

**Source:** 1985 AACS.

**R 336.2021**

**Source:** 1985 AACS.

**R 336.2030**

**Source:** 1985 AACS.

**R 336.2031**

**Source:** 1985 AACS.

**R 336.2032**

**Source:** 1985 AACS.

**R 336.2033**



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**Source:** 1985 AACS.

**R 336.2040**

**Source:** 1993 AACS.

**R 336.2041**

**Source:** 1998-2000 AACS.

**R 336.2060**

**Source:** 1989 AACS.

**PART 11. CONTINUOUS EMISSION MONITORING**

**R 336.2101**

**Source:** 1980 AACS.

**R 336.2102**

**Source:** 1980 AACS.

**R 336.2103**

**Source:** 1980 AACS.

**R 336.2150**

**Source:** 1989 AACS.

**R 336.2151**

**Source:** 1989 AACS.

**R 336.2152**

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**R 336.2153**

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**R 336.2154**

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**R 336.2155**

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**R 336.2170**

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**R 336.2175**

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**R 336.2176**

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**R 336.2189**

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**R 336.2190**

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**R 336.2199**

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**PART 12. EMISSION AVERAGING AND EMISSION REDUCTION CREDIT TRADING**

**R 336.2201**

**Source:** 1998-2000 AACS.

**R 336.2202**

**Source:** 1998-2000 AACS.

**R 336.2203**

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**R 336.2204**

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**R 336.2205**

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**R 336.2206**

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**R 336.2207**

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**R 336.2208**

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**R 336.2209**

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**R 336.2210**

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**R 336.2211**

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**R 336.2212**

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**R 336.2213**

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**R 336.2215**

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**R 336.2216**

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**R 336.2217**  
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**R 336.2218**  
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**PART 13. AIR POLLUTION EPISODES**

**R 336.2301**  
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**R 336.2302**  
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**R 336.2303**  
**Source:** 1997 AACS.

**R 336.2304**  
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**R 336.2307**  
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**PART 14. CLEAN CORPORATE CITIZEN PROGRAM**

**R 336.2401**  
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**R 336.2402**  
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**R 336.2403**  
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**R 336.2405**  
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**R 336.2406**  
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**R 336.2407**  
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**R 336.2408**

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**R 336.2409**

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**R 336.2412**

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**R 336.2414**

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**R 336.2415**

**Source:** 1997 AACS.

**R 336.2420**

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**PART 16. ORGANIZATION, OPERATION, AND PROCEDURES**

**R 336.2601**

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**R 336.2603**

**Source:** 1997 AACS.

**R 336.2604**

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**R 336.2605**

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**R 336.2606**

**Source:** 1980 AACS.